

REMARKS

Favorable reconsideration and allowance of this application are requested.

1. Amendment Discussion

By way of the amendment instructions above, pending independent claim 21 has been revised so as to emphasize that the grid includes threads formed from biodegradable **plant based** polymers, namely cellulose, polylactic acid (PLA), viscose, modified viscose, and mixtures thereof. Support for the addition of cellulose as a plant-based polymer from which the threads of the grid may be formed is found in the originally filed specification at page 4, lines 16-17.

Following entry of this amendment claims 21-49 will remain pending herein for consideration of which claim 21 is the only claim in independent form and claims 29-41, 43-46 and 48-49 have been withdrawn from consideration as being directed to patentably distinct non-elected species.

2. Response to 35 USC §103(a) Rejection

Claims 21-26 and 47 attracted a rejection under 35 USC §103(a) as allegedly being "obvious" and hence unpatentable over Anton (SI 9600317) in view of Brehm (DE 3816865) in view of the present applicants' specification, presumably the discussion of EP-A-637641 and the disclosure of conventional grids formed of modified viscose threads (i.e., 4032/71 from Chavanoz Industrie) and PLA fibres (i.e., TERRAMAC[®] fibres sold by Unitika). Applicants respectfully disagree.

At the outset, applicants are not claiming to be the first inventors of PLA fibres and/or modified viscose threads per se. Indeed, applicants note that such threads and fibres are commercially available as noted in the specification. Applicants' are however claiming to be the first inventors of a biodegradable fibrous *support* for soil mulching

comprising a *reinforcing grid* associated with at least a part of the support, wherein the grid includes threads formed from a biodegradable polymer which is selected from the group consisting of cellulose, polylactic acid (PLA), viscose, modified viscose, and mixtures thereof.

While it is true that Brehm '865 discloses biodegradable plastic grids, the plastic from which the grids are made is petroleum-based, for example, polypropylene. Brehm '865 therefore would not be suggestive at all of employing a grid formed of plant-based threads as a reinforcement for a biodegradable fibrous support for soil mulching as defined in the present application. As such, one of ordinary skill in this art would then most certainly *not* combine Brehm '865 with Anton '317 since the latter does not suggest at all a grid formed of the biodegradable plant-based polymers as defined in applicants' pending claim 21. Even if combined, therefore, the present invention would not result.

Therefore, withdrawal of the rejection advanced under 35 USC §103(a) is in order.

Every effort has been made to advance prosecution of this application to allowance. Therefore, in view of the amendments and remarks above, applicant suggests that all claims are in condition for allowance and Official Notice of the same is solicited.

Should any small matters remain outstanding, the Examiner is encouraged to telephone the Applicants' undersigned attorney so that the same may be resolved without the need for an additional written action and reply.

An early and favorable reply on the merits is awaited.

GIRARD et al
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3. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Bryan H. Davidson/
Bryan H. Davidson
Reg. No. 30,251

BHD:dlb
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100